

A BILL TO BE ENTITLED

AN ACT

relating to liability for the death of a pet.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 87A to read as follows:

CHAPTER 87A. LIABILITY FOR DEATH OF PET

Sec. 87A.001. DEFINITIONS. In this chapter:

(1) "Governmental unit" has the meaning assigned by Section 42.001.

(2) "Pet" means a domesticated animal, including a cat or dog, that is owned by an individual and kept in or near the household of the individual for the primary purpose of companionship.

Sec. 87A.002. LIABILITY. (a) A person is liable as provided by Subsection (b) if the person engages in conduct that:

(1) intentionally causes the death of a pet; or

(2) negligently causes the death of a pet and the conduct takes place:

(A) on the property of the pet's owner or caretaker; or

(B) while the pet is under the control or supervision of the pet's owner or caretaker.

(b) A person who is liable under Subsection (a) is liable to the pet's owner for damages and any other appropriate relief for the

1 loss of companionship or society of the pet.

2 Sec. 87A.003. LIMITATION ON DAMAGES. (a) In an action for  
3 the death of a pet under this chapter, damages, including  
4 noneconomic and exemplary damages, may not exceed \$5,000 for each  
5 pet.

6 (b) Noneconomic damages awarded under this chapter are  
7 solely for the loss of reasonably expected companionship or society  
8 of the pet. This section may not be construed to limit the amount of  
9 damages recoverable in any other cause of action.

10 Sec. 87A.004. APPLICABILITY. (a) This chapter does not  
11 apply to the official act or omission of a nonprofit entity or a  
12 governmental unit or to an employee or officer of a nonprofit entity  
13 or governmental unit.

14 (b) This chapter may not be construed to provide for the  
15 recovery of noneconomic damages from a licensed veterinarian in an  
16 action for veterinary malpractice or negligence.

17 SECTION 2. Chapter 87A, Civil Practice and Remedies Code,  
18 as added by this Act, applies only to conduct that takes place on or  
19 after the effective date of this Act. Conduct that takes place  
20 before the effective date of this Act is governed by the law in  
21 effect immediately before that date, and that law is continued in  
22 effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2011.